



Docket 01480071AA
Serial No.09/862,470

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Thutomu Kodaira

Serial No. 09/862470

Filed May 23, 2001

Confirmation No. 7468

Group Art Unit 2661

Examiner Trih Phan

For IP PACKET PRIORITY CONTROL SYSTEM

Communication for Patents

PI Box 1450

Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 CFR § 1,132

Akira Koyama declares as follows:

1. I was employed in NEC 1969 and participated in the exploitation of telecommunication system and computer system. . In 1988, I was assigned to manage the exploitations of digital telephone switching system. In 1995, I managed the exploitations of Internet terminals. In 2000, I was assigned as a director for managing the exploitation of software of the mobile telephone terminals in the NEC's branch co. NEC-Communications (NCOS).
2. I have read and understand the above-identified patent application. Briefly described, the invention disclosed therein relates to an Internet Protocol packet priority control system on the Internet. Specifically, proposed system provides such an Internet protocol system which performs priority control on a session-by-session basis by distributing load to hardware to cause no interference between images and control information.
3. I have read a copy of the Final Office Action mailed June 23, 2005. and understand them well. The Examiner has rejected claims under 35 U.S.C. § 112, first paragraph, as

failing to comply with the written description requirement. In particular, the Examiner states, " ...in regard to claims 1 and 7, the newly amended subject matter "wherein said priority parameter including priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay then image data" is not properly described in the application as filed on pages 5 to 7 of the specification. It also leaves a doubt as to the scope of the subject matter, which applicant regards as the invention, because the person of ordinary skill in the art would not know how the priority parameter can include "priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay than image data"."

4. In my opinion, the Examiner is in error in his rejection. Specifically, support for the claim limitations is found at page 4, lines 1 to 5 and Figure 1. Moreover, one skilled in the art would have no problem in understanding what is meant by priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay than image data.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 9, 2005

Date


Akira KOYAMA

Senior Manager
Mobile Terminal Technology Division
Software Assurance Department
NEC Communications Co., Ltd.